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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/523,322

02/02/2005

Yves Roesch

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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

05/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,322

Applicant(s)

ROESCH, YVES

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 31-40 & 46-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Chujo et al. (US 5,168,687) (previously cited).

With respect to claims 31-36, 46-47 & 50, Chujo et al. disclose an interlacing device comprising:

- two upright posts 20, 22 joined by a cross-beam 24;
- a guide 32, 36, 62, 56 supplied by a spool 30 of interlacing material 10;
- drive means chassis 34, 36;
- electric drive means 38 including a pulley 44 and belt 48 independent from palletizing machine operation and connected to an interlacing gantry 20, 22 for displacing an interlacing gantry 36 between at least two alternate end positions so as to displace a guide 36, 56 in at least one interlacing plane that is essentially perpendicular to palletized products alternately from one side to another side of a transport pallet, e.g. left to right in FIG. 3.

Chujo et al. discloses "independent operation" (lines 10-11) insomuch as Chujo's drive means 38 can move and distribute interlacing regardless of whether glass sheets are being stacked on the pallet.

With respect to claims 37 & 48-49, Chujo et al. disclose a guide means 36 comprising a pathway 62 formed in a chassis to receive rollers 64 integral with vertical posts 20, 22. It has been held that the term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte*, 177 USPQ 326, 328 (CCPA 1937). In this case, Chujo's rollers 64 are integral with vertical posts 20, 22 because both elements are fastened to the apparatus.

With respect to claims 38-39, Chujo et al. disclose two guides 32 to distribute at least two interlacing ties 10 in at least two essentially parallel interlacing planes distributed along the palletized products. Chujo's parallel distribution planes are either left-to-right in FIG. 3, or vertically (e.g. up and down across the face of the glass a stack) shown in FIG. 2.

With respect to claim 40, Chujo et al. disclose electric motors 70.

Claims 41-45 are rejected under 35 U.S.C. 102(b) as being anticipated by Agne et al. (US 5,769,601) (previously cited).

With respect to claims 41-42, Agne et al. disclose a palletizing machine comprising:

- one movable carrier 20;
- a movable gripping device 36;
- a storage ramp 32;
- an interlacing gantry (indicated generally as 40) extending generally parallel to and along at least a portion of a length of the products,

- an interlacing gantry comprising a guide 26 supplied by a spool 38 of interlacing material;
- drive means 40 for displacing an interlacing gantry between two alternate end positions so as to displace a guide in at least one interlacing plane (P) that is essentially perpendicular to the palletized products alternately from one side to another side of the transport pallet.

Agne's drive means 40 can move separate from the operation of the palletizer arm 22 insomuch as arm 22 has a drive means 40 includes pneumatic cylinder 42 which is separate from palletizing motor 24

With respect to claim 43, Agne et al. disclose means (FIG. 5) for controlling a drive means associated with A drive means for the palletizing machine in order to displace AN interlacing gantry one side to side.

With respect to claim 44, Agne et al. disclose activating means 42.

With respect to claim 45, Agne et al. disclose control means are designed to control the means (FIG. 5) for activating a guide (20') so as to wrap the interlacing material (12') around posts (7') on the transport pallet (7) as palletization of the products (2) progresses and in a predetermined interlacing pattern. It is noted that claim 45 merely recites control means where control means are inherently programmable to any order of sequences and instructions.

Response to Arguments

Claims 16-30 have been cancelled and new claims 31-50 entered. Independent claims 31 & 46 (old claims 16 & 30 respectively) require additional structure including

two upright posts as well as the functional limitation of independent operation.

Independent claim 41 now requires movable carriers, storage ramp and separate operation. Applicant's arguments with respect to claims 16-30 have been considered but are moot in view of the new ground(s) of rejection.

With respect to independent operation and/or separate operation, the cited prior must only be have for example separate actuating means. In this case, Chujo discloses separate actuators for the interlacing machine and for the stacking operation. Nunes et al. also discloses separate actuators.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

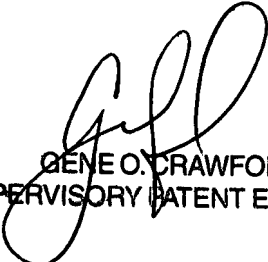
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER